



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
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Watertown, Massachusetts 02472

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BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes January 16, 2014

1. ACCEPTANCE OF MINUTES: December 19, 2013
2. McCue's Taxi, Watertown Yellow Cab
9 Main Street
WLB R &R Section VIII.C4b
3. New Rotary Grille, Inc.
d/b/a Verona Restaurant
18 Mt. Auburn Street
Status Hearing
Continued to February 20, 2014
4. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
a. Show Cause
b. Show Cause
Continued to February 20, 2014
Continued to February 20, 2014

Donna B. Doucette, Chairman

7:32 PM to 9:20 PM

Present: Donna B. Doucette, Robert J. Whitney, George B. Newman, Sandra Kasabian Hoffman

1. Minutes from the December 19, 2013 hearing were approved by the Licensing Board.
2. McCue's Taxi Watertown Yellow Cab, Inc.
7 Main Street
Watertown MA 02472

The Watertown Licensing Board met to consider the request of McCue's Taxi Watertown Yellow Cab, Inc. for a determination regarding the interpretation and application of the Licensing Board's rules and regulations concerning inactive taxi medallions.

Sean McCue, president, appeared on behalf of McCue's Taxi Watertown Yellow Cab, Inc., holder of a hackney carriage license. He referred to his letter to the Licensing Board dated January 9, 2014 regarding authorized but unused taxi medallions. At the request of Board chairman Doucette, Attorney David Doneski of Town Attorney Kopelman and Paige, P.C. provided a history of the inactive medallion provisions of the rules and regulations, which provide that a medallion shall not be inactive for more than two consecutive years without approval of the Licensing Board, and a medallion inactive for more than two consecutive years shall be subject to revocation (Section VIII.C.4.b). There is a 10-year exemption from the provision for lapse of unused medallions in Section VIII.C.4.e: "The foregoing provisions for revocation of inactive medallions shall not apply for a period of ten (10) years from February 15, 2004, with respect to any medallion issued prior to February 15, 2004, provided that such medallion was also being held in the custody of the Police Department for the benefit of a licensed holder on or before February 15, 2004." These provisions were added to the rules and regulations in February of 2004, following a public hearing process.

Mr. McCue stated he was under the impression that for medallions covered by the ten- year exemption the start of the 2-year measuring period for inactive medallions would begin on February 15, 2014. In response to a question from the Board, he reported that McCue's Taxi currently has three inactive medallions being held by the Police Department; in 2004 it had nine inactive medallions. He noted that the number of inactive medallions fluctuates based on demand for service.

Board chairman Doucette stated she was inclined to interpret the regulations so that the two- year clock would start on February 15, 2014. Members Newman and Whitney stated their concurrence with that view. Chairman Doucette stated the determination of the Licensing Board that the 10-year exemption would expire on February 15, 2014, at which time the two-year time period for inactive medallions would begin to run.

Mr. McCue asked whether McCue's Taxi could petition the Board for approval of a longer period of inactivity if the company could not get all medallions on the road by February of 2016. Chairman Doucette stated yes, but noted that the request should be submitted prior to the expiration of the two-year period.

3. New Rotary Grille, Inc.
d/b/a Verona Restaurant
c/o Agostino Farese
20 Fayette Street
Watertown, MA 02472

The Watertown Licensing Board held a status hearing regarding New Rotary Grille, Inc. d/b/a Verona Restaurant, holder of an all alcohol common victualler license issued for exercise at 18 Mount Auburn Street. The status hearing was scheduled after a status hearing held on December 19, 2013 following a show cause hearing concluded on November 21, 2013 and concerning the closure of the licensed premises.

Attorney Bernard Shadrawy appeared on behalf of the licensee. He stated that the buyer under the agreement for transfer of the business that had been reported at the hearing on December 19 had been unable or unwilling to submit a proper transfer application to the Licensing Board and had then attempted to renegotiate the terms of the transaction. However, the licensee has identified a second prospective buyer, who will now submit a transfer application. Attorney Shadrawy stated that the application would be submitted by February 4. He noted that the prospective buyer operates restaurants at four other locations in Massachusetts: Groton, Lexington, Woburn and Lunenburg, each with an all alcohol license.

Board chairman Doucette reviewed the history of hearings and related continuances in this matter, beginning on March 21, 2013 after the Board's receipt of notice from the licensee in January of 2013 that the premises had been closed as of December 23, 2012 and that the licensee was seeking a buyer for purposes of transfer of the license. Status or show cause hearings have taken place on five subsequent dates: June 20, September 19, October 17, November 21 and December 19, 2013, with no actual buyer identified. She noted her concern that the premises have been closed since 2012, and stated that her patience was at an end. Board member Newman concurred with that sentiment and noted that the Licensing Board had directed, at the December 19 hearing, that a transfer of the license be completed by the end of the first quarter of 2014. Board chairman Doucette added that if action on a transfer is not completed by the Board's meeting in March, 2014, the Board would bring the license revocation process to a conclusion.

The Licensing Board voted to continue the matter to February 20, 2014 for a further status hearing.

The status hearing will be held on February 20, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

3a. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a continued session of a show cause hearing on the matter of the closure of your premises at 21 Nichols Avenue licensed for all alcohol common victualler service and your failure to comply with the conditions of the Board's approval of that closure. The matter had been continued from June 20, July 18, August 15, September 19, October 17, November 21 and December 19, 2013, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, November 1, December 2, 2013 and January 7, 2014.

Attorney Paul Rufo appeared on behalf of the licensee, together with Michael Moran, president. Attorney Rufo presented a letter to the Board dated January 16, 2014. That letter stated that the licensee had signed a non-binding letter of intent for sale of the license and a long-term lease of the premises. A copy of the letter of intent was submitted to the Board. The prospective buyer is Formaggio Kitchen, Inc., of Cambridge, acting by Ihsan Gurdal and Christopher Schlesinger. The

buyer has requested a due diligence investigation period ending on February 28, 2014. In addition, the licensee has a written offer to purchase both the real estate and the license.

Armen Khachatourian of the Armenian Cultural Association of America was also present. Attorney Rufo stated that it is the Cultural Association which is the second prospective buyer. He also reported that the premises have been cleaned up, in order to be in a condition to permit re-opening of the restaurant.

In response to a question from the Board, Attorney Rufo stated that the Armenian Cultural Association had presented a purchase offer which was not deemed acceptable, and at this point the licensee's preference is to work out a purchase plan with the Formaggio Kitchen group. Mr. Khachatourian added that if his organization were to proceed with a purchase it would expect to form a separate corporation to operate a business at the premises.

Board chairman Doucette recommended that the Board schedule another status hearing for February, at which time the Board could consider a timeline for action in connection with a proposed license transfer application.

The Licensing Board voted to continue the matter to February 20, 2014.

The continued hearing will be held on February 20, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

4b. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board has continued the show cause hearing concerning the violation of Section IV.C.1.b of the Rules and Regulations of the Watertown Licensing Board, which requires that a restaurant authorized to sell alcohol on Sundays submit an annual report, by May 1 of each year, confirming that the licensed establishment derives 60% or more of its gross revenues from the sale of food, to wit: your failure to submit an annual report for 2012. The matter had previously been continued from June 20, July 18, August 15, September 19, October 17, November 21 and December 19, 2013, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, and November 1, 2013 and the Notices of Continuance dated December 2, 2013 and January 7, 2014.

The continued hearing will be held on January 16, 2014 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.